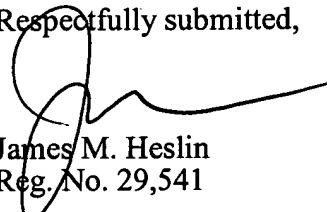


The rejection of claim 32 for obviousness is believed to be moot in view of the allowability of claim 26, discussed above.

Finally, the rejection of all pending claims on the combination of Andrews '341 and Chishti et al. '893 is traversed for failure to meet the requirements of prima facie obviousness as set forth in Section 2142 of the MPEP. In particular, there is no motivation in either Andrews or Chishti et al. for substituting the multiple polymeric shell appliance system of Chishti for the positioner of Andrews et al. Indeed, Chishti et al. teaches that the multiple polymeric shell system taught in that patent is useful as a replacement for wire and bracket systems. Thus, one skilled in the art combining the teachings of Andrews '341 and Chishti et al. '893 would, if anything, substitute the polymeric shell appliances of Chishti et al. for the wire and bracket system relied on in Andrews '341. Thus, the combination would be use of the Chishti et al. polymeric shell appliance system with a final mouthpiece used for achieving finishing of the tooth positions. While such a combination may or may not be obvious, it is simply not what is being claimed in the present application.

For all these reasons, it is respectfully submitted that all pending claims as presently amended are in condition for allowance and requested that the application be passed to issue at an early date.

Respectfully submitted,



James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
JMH:jke
PA 3275810 v1